

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-3220
Fax (410) 962-6836

August 9, 2007

LETTER TO COUNSEL RE: Farmer v. Kavanagh, et al.,
Civil No. CCB-02-3216

Dear Counsel:

Construing Mr. Tetrault's August 1, 2007 letter as a Motion to Alter or Amend Judgment, I am hereby **denying** the motion. Ms. Farmer has not proffered any change in law, new evidence, clear error of law, or manifest injustice as required to support such a motion. *See Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993).

First, my footnote stating that Ms. Farmer could file her Article 24 constitutional claim in state court was not intended to express any opinion about the viability or likely success of that claim. I agree there are a number of obstacles that may make filing such a claim futile, but that is a decision for the state court if the complaint is filed.

Second, on the Eighth Amendment claim, the only basis for reconsideration suggested is speculation that discovery might uncover some evidence to controvert the defendants' affidavits denying knowledge of the 2001 memorandum. Even assuming this would change the outcome, no request for additional discovery on this point was made when the summary judgment motion was briefed. Accordingly, I can find no justification to reconsider my July 19, 2007 ruling. I do thank Mr. Tetrault for his zealous representation of Ms. Farmer.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Sincerely yours,

/s/

Catherine C. Blake
United States District Judge